

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action of May 11, 2009, in which the Examiner objected to claims 38, 42 and 48 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Further, the Examiner rejected (1) claims 25-48 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,089,208 to Levchin ("**Levchin**") in view of U.S. Patent Application Publication No. 2005/0038758 to Hillbush et al. ("**Hillbush**"); and (2) claim 49 under 35 U.S.C. 103(a) as being unpatentable over **Levchin** in view of **Hillbush**, and further in view of U.S. Patent No. 7,287,009 to Liebermann ("**Liebermann**").

By the present Amendment, claims 25 and 39 are amended; claims 38, 42-49 are canceled; and claims 50-53 are added. No new matter is believed to be added by these amendments.

New dependent claim 50 recites that the handler for the automated transfer and the default handler are different handlers. Dependent claims 51-53 recite additional limitations regarding the conversion of the stored value funds from one form of monetary value to another form of monetary value, support for which can be found, among other places, in the Specification at page 14, lines 21-26, and page 15, lines 3-9.

Applicants respectfully request reconsideration in view of the remarks herein.

Claim Objections

The objections to claims 38, 42 and 48 have been overcome by the cancellation of such claims.

Rejections Under 35 U.S.C. 103(a)

Applicants have amended independent claim 25 to now include (among other things) the features of the stored value fund being used to transfer a desired amount "from the user to a payee", and that transfer of funds from the default handler is made to the stored value fund *after* the automated transfer, "if there are not sufficient funds in the stored value fund to

make the transfer of the desired transfer amount” to the payee. Support for such feature can be found, *e.g.*, at page 13, lines 26-34 of the Specification.

The Examiner has cited **Hillbush** for its disclosure of selecting a default handler and using the default handler for a transfer unless a different handler is chosen by the user (page 3 of the Examiner’s Remarks). Independent claim 25 as amended is now more clearly distinguishable, inasmuch as the automated transfer initially takes place and, only if there are insufficient funds in the stored value fund, is the default handler used “to transfer additional funds to the stored value fund.” This is in contrast to **Hillbush**, where the default payment method (credit card) is always used to make a full online payment unless a different payment method is selected by the purchaser (Figs. 11 and 30; paragraphs 0193 and 0260). In **Hillbush**, there is not *both* an automated transfer amount *and* a transfer of additional funds from the default handler as in claim 25. The other cited references also do not disclose or suggest these features of claim 25.

Independent claim 39 has been similarly amended and is believed allowable for the same reasons stated above. Dependent claims 26-37, 40, 41 and 50-53 each recite limitations in addition to those of their respective parent claims, and are believed allowable for at least the same reasons.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/046,654
Amdt. dated July 9, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3691

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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